Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under the appropriate headings.

Background of the Technology

In a conventional mobile telecommunications network, messages are routed through a Short Message Service Centre (SMSC). The SMSC can be thought of as a point in the network where a message changes from being an "inbound message" sent to the network from the sender, to being an "outbound message" sent by the network to the recipient. Thus, in some respects the SMSC may be seen as being analogous to a mail sorting office in a conventional postal system. The inbound leg of a message in a telecommunications network is in what is conventionally known as mobile originated (MO) format, and the outbound leg is in what is conventionally known as mobile terminated (MT) format. These formats are fundamentally different, and it is a task of the SMSC to convert between them. It is important to note MO and MT are not simply arbitrary labels that are used in the specification. Rather, the MO and MT formats are formally defined in the relevant official standards.

Features of Applicant's telecommunications services apparatus relate to selectively processing messages in a network according to attributes of the messages. A significant feature of the apparatus is that it is located in the MO format part of the network routing. This is clearly specified in claims 1 and 21 by the recitation of the messages arriving at the apparatus in MO format, and this feature is completely different from US 2002/0112041 (Bennett), since in Bennett there is no processing applied to messages received in MO format.

An important point to note in this regard is that the defined standards of MO format messages are only applicable to messages sent by a mobile station (e.g. a mobile handset) via a conventional cellular network architecture in accordance with the Mobile Application Protocol (MAP) part of the telecommunication standards. This is because this is the network path that accords with the defined MO format. Messages

sent in other ways, e.g. via the worldwide web, are not sent according to the MO format. Rather, such messages are sent in other defined formats, e.g. in accordance with the Short Message Peer-to-Peer protocol (SMPP). SMPP is the format currently used most commonly for transporting messages via the worldwide web. *See*, e.g., Table 1 of Bennett on page 5.

Thus, referring to Figure 1 of Bennett, the apparatus 24 of Bennett never receives (and so never processes) any MO format messages. The only MO format messages that exist in all of Bennett's scheme are those from the user 16 to the SMSC 26c in accordance with the conventional standards for routing messages from a mobile station (in this example the handset of user 16) to a SMSC (in this example the SMSC of Cellular Operator B). The MO format has not been found to be used for any other message paths in Bennett.

The messages from the other users 12, 14 in Bennett to the apparatus 24 via the worldwide web (www) 26a, 26b are not in MO format. Not only is this clear from all the widely recognized and defined standards, it is also clear from Bennett. In particular, for example, Bennett explains in paragraphs 0023 and 0066 how MO messages are alternatives for (i.e. not the same as) messages based on accessing the network via the internet. Accordingly, it is clear from the defined standards, and is acknowledged in Bennett, that messages from users 12 and 14 in Bennett are not in MO format.

Nonetheless, the Examiner contends in his "response to arguments" that in accordance with the definition for MO format inserted into the specification in response to the last office action, that MO format can be interpreted to mean a message that has not passed through an SMSC. The Examiner goes on to say the messages from user 12 in Bennett that are transported over the internet do not pass through an SMSC, and so meet the claim limitation. This is a syllogistic fallacy. While it is true that all MO format messages have not passed through an SMSC, this does not mean all messages that have not passed through an SMSC are MO format messages. The Examiner's position simply ignores or distorts what the skilled person understands is meant by an MO format message.

Specification

The terms MO format and MT format are formally defined in the relevant standards, and furthermore the terms are used in Bennett in full accordance with the defined standards (e.g. a search of Bennet shows the term "MO" appears several times, and always occurs in association with the format of message from the user 16 to the SMSC 26c, which is inline with the term's defined meaning). MO format messages do not include non-MO format messages, such as the www-based messages from users 12 and 14 in Bennett. The messages of Bennett sent from the PC of user 12 and the messages sent from the WAP phone of user 14 are not MAP messages, and as noted above, the MO format only applies to MAP messaging. Bennett clearly understands the meaning of an MO format message as would anyone skilled in the art.

The definitions in the specification have been amended to recite the MAP protocol, which is part of the relevant telecommunications standards, to clarify that the MO messages are MAP messages. The amendment to lines 21-22 relating to MT messages is largely stylistic and clarifies that the MT message is not a type of MO message, but rather that the MT message replaces the MO message. No new matter has been introduced as a result of the amendments to the specification, inasmuch as this would have been readily understood by one of ordinary skill in the art.

Claim Rejections - 35 U.S.C. § 103

The claims have been rejected with primary reliance being on US 2002/0112041 (Bennett). Bennett discloses techniques for facilitating communication among a plurality of different telecommunication systems through interworking and connectivity between different network standards by means of a central server. The central server is arranged to receive messages from Short Message Service Centres (SMSCs) which provide message store and forward functions for the attached mobile networks. Such messages will be in what is known as mobile terminated (MT) format.

This contrasts with the architecture of a telecommunication services apparatus wherein the apparatus supporting the execution of the messaging applications is

located in the mobile originating (MO) path of the message routing, i.e. before any of the SMSCs providing message store and forward functions (e.g. see Figures 1 to 3).

Claims 1 and 21 clarify this difference between the claimed apparatus and method and that which is disclosed by Bennett. The messages are received in a mobile originated (MO) format (i.e. they are messages that have not previously passed through an SMSC providing a store-and-forward function for the network).

Accordingly, the subject matter of claims 1 and 21 is not disclosed by Bennett. In addition, it would not have been obvious to one of ordinary skill in the art to modify Bennett in a manner that would yield the subject matter of claims 1 and 21, since a fundamental aspect of Bennett is the location of the central server after the SMSCs in the message path (i.e. not in the MO path). The purpose of the central server in Bennett is to provide unification of the different standards used by different SMSCs (see paragraph 0051). Accordingly, it would not have been obvious to place the central server of Bennett in the MO path of the message routing because this would prevent Bennett from performing its intended function – namely to improve connectivity between the outputs of SMSCs using different standards.

The other applied references do not overcome the fundamental deficiencies of Bennett as a teaching reference vis-a-vis the subject matter of claims 1 and 21, and therefore the rejections of claims 1 and 21 should be withdrawn, as should the rejections of the remaining claims for at least the reason they depend from claims 1 and 21.

Conclusion

Regarding any contentions of the Examiner not expressly discussed herein, the absence of any discussion or specific traversal should not be construed as an acquiescence in those contentions. Rather, no comment is necessary given that the claims are allowable for at least the reasons set forth herein. In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By /Don W. Bulson/
Don W. Bulson, Reg. No. 28,192

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

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